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Round Table Discussion: “Psychoanalysis and the Law”

Held in Milan, at the SGAI (the Italian Group-Analysis Society), March 14, 2004

Giacomo Contri: The point of departure of the text which I have proposed to you, “*The Bin Ladens of Legislation*“, is the premise not only of this gentleman from Upper Savoy-Accoyer, the French parliamentarian responsible for this draft law-but the premise of all legislative attempts concerning psychoanalysis and psychotherapy. This premise is always the same and it is a judicial falsehood: which is that these practices-psychoanalysis, psychotherapies and various others-exist in a “judicial void”. I affirm instead that there is no judicial void. It is false to believe this, because there is the constitutional concept of “judicial permission”: this means that every action that is not explicitly prohibited by a regulation is legally allowed. Slapping someone is prohibited by a regulation, while speaking is not. In this moment we are gathered around this table in judicial fullness, not in a judicial void: that which we have decided to do together is judicially allowed, to the point that if someone tried to prevent this meeting, a precise legal sanction would come to our aid, because that which is legally permitted for us would have been brutally impeded. Thus psychoanalysis and all that is connected to it has judicial fullness, defended by the Constitution.

In 1968 Lacan said: “The psychoanalyst makes himself the guardian of the collective reality”, and in this case he is the guardian of the law. We even find ourselves on the side of the authority of the law, not on the side of he who defends himself from an intrusion. The rest of the argumentation is a simple syllogism: A is B, C is A, C is B.

1 *Principal proposition:* the acts which are already expressly judicial in as much as they are judicially permitted are a vast family which includes speaking, upholding ideas, having a love life, listening, narrating, confessing, testifying, keeping silence, judging, criticizing, helping, educating, commenting, confuting, suggesting, advising, upholding ideas also of a political nature; or even inventing a science as Freud did, or a philosophical system of thought, or founding a political party. For all these acts there is no judicial void.

2 *Lesser proposition:* psychoanalysis is the set of some of these acts, connected one to the other according to an immanent and indisputable bond.

3 *Conclusion:* psychoanalysis exists thanks to judicial permission. A judicial void does not exist.

Therefore, legislation projects such as that of Accoyer do not attack psychoanalysis: they attack the Law itself by subtracting from it the immense area of judicial permission. Even the principle of *habeas corpus* itself is attacked.

Sergio Benvenuto: *Habeas corpus* is not always applied in Italy. Here some important politicians were put on trial for years without any *habeas corpus*.

Contri: It is indirectly applied, through other pathways. *Habeas corpus* is implicit in the principle of judicial permission.

In the text I gave you I speak of Bin Laden because we must stop being paranoid psychoanalysts or psychotherapists who feel the need to defend themselves from the intrusion of bad legislation. Through this particular type of intention a terrorist attack is made against legislation, rather than through other kinds of attack against the Constitution and the general principles of legislation.

Paolo Migone: I have never thought in the way that you, Contri, put forward in your thesis. You mentioned a series of activities where the State cannot intervene with regulation. But there are activities in which the State does intervene, such as medical activities for example. What then, in your opinion, is the criterion according to which the State can or cannot intervene?

Contri: It's simple: you only have to refer to the list of activities that I mentioned just now, such as speaking, conversing and upholding ideas. Does the State regulate the upholding of ideas? Wouldn't that be crazy? In comparison Fascism was mild because, admittedly, it censured certain ideas, but it did not regulate the activity of producing ideas as such, by previously establishing who is authorized to do so.

Migone: But in the case of our therapeutic activity doesn't it enter into the field of medical activity? And isn't it therefore logical for the State to provide some form of regulation?

Contri: This is a case of the elementary distinction between *specific* action and *generic* action. Medical action is specific, and so is that of other professions, while all the actions I've listed, which include psychoanalysis, are generic in the sense of human *genus*, in that they can be practiced by anyone who comes into the world. The fact that some of these actions are therapeutic-or, to be more precise, that they can be so, since some people deny that psychoanalysis is curative-does not change anything. To regulate this type of cure would mean regulating the fact that humanity speaks. Not even Nazism dreamt of drawing up preventative lists of those authorized to speak, to have children, to love, to educate, to write, to become an entrepreneur, or to be a psychoanalyst. Naturally Nazism tried to put its hands on these things, but not preventively, by abolishing the judicial permission of generic human actions.

Sergio Benvenuto: But nearly all analysts declare that they apply a technique. It is a case of *analytical technique*.

Contri: Making love has a technique too. Also persuasive activity, or rhetoric, has a technique. Also speaking has a technique: grammar and syntax. It is the same for those who practice politics. You won't find a single generic human action that does not involve a technique. The "wild" does not exist.

Migone: So why, in your opinion, does the State arrogate the right to regulate certain things?

Contri: I would not use the word "arrogate". All I said regarding permission is an apologia of law. Without judicial permission law would finish, starting from the Constitution. Law is liberty precisely due to the fact that it creates the field of judicial permission. It is not a question of liberalism, or of *laissez faire*.

Diego Napolitani: But you have to bear in mind the subject matter with which you're dealing. So, if it belongs to the category of what is considered illness, then there are technicians authorized to treat the illness. If I, who do not have any particular diploma, start opening up someone's brain because I want to treat a bump on his head, this is an abuse and I go to jail.

Contri: It certainly is an abuse, because a surgical act is a specialist act, not a generic one. As regards the difference between educating and treating, it's true that it is an issue but, as long as we are in the field of generic action, accessible to everyone, it is an issue that concerns each of us within the field of judicial permission. There is nothing to regulate in education and in treatment because they are already legal.

Napolitani: And so we should clearly say that we don't deal with illness.

Contri: Why not? If miracles cured illnesses at Lourdes should we set up the Professional Register of Miracle Workers?

The law does not deal with healing in general, but only with the healing which follows upon certain specific actions, and this is why we have the Professional Register of Doctors. If spending my time with friends cured me, it would mean that a law of healing was taking place with which the law of the State couldn't interfere. And the psychoanalyst is a friend without the traditional idiocies regarding "friendship" or "love". He cures (without either miracles or magic!) but he's not a doctor.

Sergio Contardi: But the problem is that the Italian law has listed psychoanalysis among health activities. This is the trick it's based on.

Contri: But this is an idiom: how can one place a human *generic* action in a *specific* medical context? This is judicially unacceptable: it is tantamount to legitimizing the most dubious of the alternative forms of medicine, and psychoanalysis (Freud's at any rate) never did wish to be considered an alternative form of medicine, like homeopathy for example.

Contardi: But the Italian law, by removing the phrase "including those that are psychoanalytical" from the text regulating psychotherapies, has left a judicial void. The French are therefore saying: "let's formally exclude psychoanalysis from the legislation, considering the experience of the Italians". In fact in Italy the judge tends to apply an extensive interpretation and to re-insert psychoanalysis into the list of health activities. It is therefore necessary to distinguish the level of the law from that of the judicial discourse. What you say certainly belongs to the level of the law, but it is also necessary to consider the question of judicial regulation.

Contri: Instead I repeat that there is no judicial void. It is however very significant that in both Italy and France they wished to leave psychoanalysis out: it was necessary (logically and judicially) to exclude it because some people realized, *oberto collo*, that psychoanalysis is conversing, persuading, saying yes, saying no, loving, etc., and is thus already judicially permitted. But they were forced to exclude psychoanalysis by applying different weights and measures, stirring up the already muddy and confused waters, so as to disseminate a sort of great mist by means of the extremely equivocal word "psychotherapy", so that no one could understand anything anymore.

All those who call themselves "psychotherapists" would do well to avail themselves of the argument which is almost recognized for psychoanalysis. Since all or almost all psychotherapies consist of speaking, conversing, being silent, proposing, advising, etc., they belong to the same family as psychoanalysis, and so all or almost all psychotherapies belong to the field of the *already* judicial, not of the judicial discourse. The Constitution protects all these activities from being inserted into specialist lists.

Valeria La Via: Why then do people get married and apply to an official, if loving each other is a generic act?

Contri: Before getting married people get together: and in order to get together two people do not have to belong to a list of persons who are authorized to live together. They get married if they want to, and to get married you don't need to be on a list of persons authorized to get married. After all, we could define analysis as two people who get together to do certain things, and this getting together is already judicial life, constitutionally protected. It is prohibited to draw up lists of authorized persons in this whole series of activities.

Giorgio Landoni: In the written interventions of the participants in this discussion a division of contents is evident. For some of us the theme is the law and its effects, possibly also the more or less presumed intentions that sustain the Ossicini law in Italy and others like it. Others tend to broaden the discourse to the epistemology of psychoanalysis. In my opinion, these two discourses cannot coexist in this round table. I find Contri's approach to the theme particularly interesting, and I associate it with Sergio Contardi's position. Contri's position certainly has some disputable points: I would maintain a rigid distinction between

psychoanalysis and the rest. Rigid in the sense indicated by Contardi, i.e. that at the most one may speak of psychotherapeutic effects also in psychoanalytic activity: this is a way of trying to give non-technicians an idea of the effects that one can expect from interventions of conversation, meeting, etc.: of those activities that have been very comprehensively defined by Contri. I would maintain the distinction between psychoanalysis and psychotherapy because the Ossicini law has produced some devastating effects on everyone's way of thinking, starting from that of psychoanalysts, even the most orthodox ones. It has merchandized psychoanalysis in such a way that today a discourse such as Contri's-which is more than ever correct-from a practical point of view does not have any possibility of having even the slightest effect on any analytical formation.

The most devastating effects of the Ossicini law have been on the level of "psychantropes". Nevertheless, I too believe that there is a possibility of intervention, but one based on what the French are speaking about, which is a request for the complete expulsion or auto-expulsion of psychoanalysis from the field of jurisprudence. As René Major is requesting in France, it is necessary for psychoanalysis to recognize itself by excluding itself from the area of legislative regulation. We are asking the law to say that it is valid for all psychotherapies *except* psychoanalysis. This has various consequences: I will mention a banal one, which is that dealings with medical insurance companies, all over Europe, will soon become based on what takes place in America.

Sergio Benvenuto: Which is that psychoanalysis will no longer be covered by the insurance companies?

Landoni: The economic consequences are a fact that follows on from this. When as a young man I decided to apply to the Swiss Psychoanalytic Society to become their student, I received a booklet. The first point said: "the Swiss Society of Psychoanalysis suggests that those who wish to dedicate themselves to psychoanalysis should make sure they have another profession with which they can earn themselves a living, because nothing guarantees that psychoanalysis will allow them to earn a living". I understood this in two ways. The first was: "we really do not give a damn about your professional propensities; your relationship with psychoanalysis is a fact that regards you alone; the modalities with which you carry it out are your own business; if you wish to enter this group, we reserve the right to evaluate the type of training. This is all". And I still adhere to this opinion today.

Marco Focchi: I agree with Contri. The attempt to regulate we're speaking of is the spearhead of a generalized attempt to control our lives, and leads to an authoritarian danger that does not affect psychoanalysis alone, but society as a whole. These forms of control concern the society of risk in which we live.

I do not believe that the distinction between a legislative, regulative aspect and an epistemological aspect is very clear or precise. There is, in my opinion, a logical connection between the two: the moment the public powers and institutions become interested in us, we emerge from our limited environment and are forced to account for our activity. We are thus exposed to a public evaluation. Psychoanalysis, considered altogether, has never shied away from the need for evaluation. In the thirties Fenichel published the results of the Institute of Berlin; then Alexander published the results of the Institute of Chicago; in America there were then more sophisticated studies on the relation between the process and the results, such as those by Luborsky. There has always been an attempt to expound what we do to the public. The problem is above all *how* we do it. All these attempts-from the simplest, which considered the results from the statistical and numerical point of view, to the more complex ones, which elaborated the results in a sophisticated way-were a part of the rhetoric of scientific methodology. I say rhetoric because, basically, these aspects are part of the *protrectic* of the psychoanalytical discourse, not of the doctrine. It is a bit like in the schools of ancient philosophy, where part of the discourse is addressed to the ingenuous listener for dissuading him from the prevailing opinion and helping him to turn to the true theory and which, with this aim, used rhetorical mechanisms and enticements in order to win him over. Psychoanalysis, when it uses these modalities of scientific discourse, conducts a *protrectic* operation in order to capture attention by means of instruments considered evident and consolidated by common sense. Since science is today the source of every validation, authentication and certainty, we have recourse to the instruments of the scientific discourse to present our results. This took place in a certain historical period.

But now we must enter a different perspective, since the limits of this type of approach are now evident. The methodology of these evaluation studies, which comes from epidemiology, basically requires a series of conditions—such as the homogeneity of the type of patients, the double blind, randomization—incompatible with the logic of analytical discourse and, above all, brings uniformity into play, which is inconceivable for psychoanalysis. Comparative studies between the various psychotherapies, for example, cannot take account of the specificity of psychoanalysis. There is thus a strong push towards uniformity which blurs the outlines of that which we really do. It is as if we considered a sport such as ice-skating and we included artistic ice-skating, Olympic speed competitions, “Holiday On Ice” performances and ice hockey, and then made evaluations on the basis of their scores. But if one does not discriminate between the various activities, the results are meaningless.

Some psychotherapies are completely fit to the methodologies of a scientific nature: for example the cognitive-behaviorist psychotherapies, which have as their objective the suppression of a symptom, or which consider the symptom as a misunderstanding on the cognitive level, or the bio-psychiatric theories, which consider the symptom as a biochemical imbalance of the brain. In these cases one could arrive at a statistic based on the presence or absence of symptoms at the end of therapy. Instead, the conception that the symptom is not simply dysfunctional, but is an element that reveals a deep layer has become established in all the currents of psychoanalysis. The aim of psychoanalysis is thus the deconstruction of the symptom so as to bring out what Lacan called “the incurable”. The result of analysis is arriving at the incurable. Lacan said it provocatively, but it is the same thing that, in different terms, Freud also said in *Terminable and Interminable Analysis*: here he maintains that there are some insuperable points in therapeutic activity which regard the base rock of castration.

All of the instruments of validation that are founded on the scientific methodology presume a totalization of the positive. This is necessary because science deals with the *positum*, with that which is objectified in the datum. In analysis, instead, the subject is put into discussion, and there is thus a negative element which resists. For the Lacan of the fifties, for example, the objective of analysis was to bring out a lack in which one can recognize a truth: the insuperable lack that constitutes the subject. Thus we have to distinguish, for example, the neurotic suffering from the negativity which, detached from the evil, is integrated into a new compensational equilibrium. There is an attitude (positivistic) which rejects negativity in the same way as the evil, and there is an attitude (psychoanalytical) which integrates it within a dialectic.

In its protective moment psychoanalysis used the scientific methodology for presenting itself to the public, but now we are in another moment, in which we can use the instruments within psychoanalysis to present the results of our activity in terms appropriate to the logic and the reality of the analytical discourse. We ourselves must create a device—which does not derive from strict scientific language—which will allow us to adequately show the specific logic of the psychoanalytical operation. The relations of psychoanalysis with science are essential. Lacan considered that the subject of science was the subject of the unconscious, but the fact that there is a good relationship between psychoanalysis and science does not mean that the first can be derived exactly from the second. If we introduce this forced concept, we create a relationship between psychoanalysis and the “false” science, which exports the methods it studies the *physis* with and applies it to the field of subjectivity. We know that statistics produce contradictory results, because the sample taken as our object is not very homogeneous.

I once read a study on panic attacks. By applying a brief standardized therapy of a psychodynamic type, Barbara Milrod, an American psychoanalyst, managed to reduce the panic her patients suffered by fifty per cent within three or four months. But how can one quantify a phenomenon of this kind? If, in order to produce clear and univocal indicators, we commit violence against the nature of the object we are dealing with, then we fail to capture the living reality we’re working.

Paola Ronchetti: I would like to pose a question: who are we? Many years ago, Ossicini gave this reply to us psychologists: “you are *res nullius*, nothing, because no law recognizes you”, and still today we are speaking of laws. At that time we confused the stimulus to search for an identity with the need to define ourselves in a role with specific tasks, choosing a standardization which would guarantee us professional survival. After twenty years of conferences on “the role of the psychologist”, we haven’t actually made a lot of progress. We’re now bored with our obsessive distinctions, unable to give any value to the differences of

interpretation of our roles. Now the State is telling us “you are a part of a corporation”. In this way our belonging to something becomes a limit or a trap. But this kind of belonging is also necessary in order to stimulate us once more towards searching for a more authentic identity and thus to be able to “dis-belong”, instead of having a process or itinerary already mapped out that crushes any critical or innovative spirit. We should take upon ourselves in first person the responsibility of the choice of a “profession”, as Landoni says, and recognize our duties and honors.

Contardi: [turning to Focchi] I would like to briefly examine the problem of the *passe*, an issue that Lacan proposed with respect to the enrolment of analysts in his institution. A certain modality in the IPA required applicants to go through a whole series of tests and exams before becoming registered as analysts. Lacan instead invented a device that he called the *passe*, which involved giving testimony about the moment in which the applicant first had the desire to become an analyst, in other words about how he had come to manifest this desire in his analytical progress. This could be valid for registering him as an analyst in the institution... Someone who, during the course of his analysis, was on the verge of authorizing himself as an analyst, decided to talk about this passage to two persons who were still in analysis and whom he presumed would be able to listen...

Focchi: To two peers, because it is a testimony to two persons who are in the same process.

Contardi: ...They then went on to testify to a jury of analysts, which listened and decided if it was appropriate to accept him, which means they listened to the effects of the passage. And yet, in the end, even this device only turned out to be-and Lacan decreed its failure-another way in which the institution enrolled analysts, and this is why a whole series of institutional perversions got underway, in which the only desire involved was the wish to be enrolled in order to be recognized as an analyst.

I nevertheless still consider the question posed regarding the *passe* as being very important, since becoming an analyst is a question which only concerns the personal analysis of one person. For this reason it has always seemed correct to me that an institution's decision about whether someone is an analyst or not, by enrolling him in its register, should involve the question of *how* this passage took place, and not theoretical or other issues, or the discussion of clinical cases. I continue to think of the *passe* as correct in this sense. The problem is how to insert it into the institution.

Bice Benvenuto: I'm not personally enrolled in a register of Italian psychotherapists, but in a register in Great Britain. In the UK, in fact, there is a *permanent* connection between psychotherapy and psychoanalysis. The request for a register of psychotherapists came from the professionals themselves: according to British culture and legislation, corporations are not defined from above, and there's no Ministry that defines a profession or imposes rules upon it. The same happened for psychotherapies, including psychoanalysis. The British government reacted to their request by asking “Alright, but what are you”? From that moment, twenty years ago, for the next ten years all British psychotherapists—from the British Psychoanalytic Society down to the lowest therapist in the scale of prestige—met at Rugby each year in order to address this question. In the eighties I attended too. The aim of these meetings was to ascertain some minimum common denominators for being able to communicate to the Other—to society, to the State, to the Government—what we had elaborated ourselves about ourselves. One participated in the Rugby Conference as a representative of one's own organization. For me it was an extremely interesting experience. Finally, in 1990, we arrived at a Constitution of the UKCP—the United Kingdom Conference of Psychotherapists—whose members were the various psychotherapeutic and psychoanalytical organizations. Thus each organization had a job to do, within itself, in order to define itself: to elaborate its own ethical, technical or non-technical code, to decide whether what it did was psychoanalysis or not. Here the question of the *passe* enters the scene: the Lacanian, for example, says: “we do this, this and that”. Thus his need to differentiate himself is relative. And yet at a certain point the problem of differentiation came into play. Not all the organizations of the Conference were in peaceful agreement: for example, the British Psychoanalytic Society, a member of the IPA, worked with us for 12-13 years, but left when the UKCP had to be set up, justifying itself with this motivation: “We have a historical authority, and we therefore negotiate directly with the government”. Some psychoanalytical groups decided to follow the BPS

(British Psychoanalytic Society), which took some of them under its wing, saying “we guarantee the legitimacy of these groups to the State”. Thus there is a coming and going: these groups of the IPA sometimes enter and sometimes leave, according to their negotiations.

In addition to the BPS, the Kleinian Tavistock Clinic left-it was also an institution with its own historical authority, although less than that of the British Society. The Tavistock has however had agreements with the municipal authorities of various English cities for many years, by means of which it was already in some ways integrated into the NHS [National Health Service]: if a municipal authority had to take on a child psychotherapist, the Tavistock supplied the need. There are agreements-the British government always works by means of such agreements-but the identification of a psychotherapist always comes from the profession. Of course, during the Rugby meetings there were conflicts, but the process was extremely interesting. At present in the UK, the issues of differentiation and of finding the common denominators of all psychotherapies prevail.

Contri said that psychoanalysis is legal in itself. I rather think that precisely in our role as psychoanalysts, more than as psychotherapists, we must cope with the law in a direct way, otherwise what has happened in Italy and is now happening in France will take place, with some authority foreign to us will come and tell us who we are, saying: “you must either be like this or must leave, otherwise you are something illegal or obscure”.

There must be an end to the analysis of the analytical institutions themselves. On this point I agree with Contri: the psychotherapeutic institutions too could utilize the same discourse as psychoanalysis, if they want, after all many psychotherapies are analytical. Apart from the technical details, the discourse of analytical psychotherapy is analytical. But why don't we want to cope with the law? But why don't we enter into a game that the other imposes upon us, instead of playing the role of victim? Why do we play the role of the castrated?

The social bond is very often spoken of, but it is always seen as a social bond between analysts. Naturally this bond among analysts is strong: there is a continual struggle between analysts; the struggle is part of the bond. But the bond of psychoanalysis with the social, or its dealing with the other, is never spoken of. For this reason I fear that even the interesting discourse of the *passee* is comprehensible only to us: basically, we analysts cannot possibly present ourselves in public speaking about the *passee*! We must certainly make it appear to be something specific to us, but this does not exempt us, together with all the other psychotherapeutic institutions, from having to adhere to what the State, and society in general, requires of us as a guarantee of what we do. Our duty is to make ourselves understood. We cannot carry on sitting on a throne nobody else recognizes. If we wish sit on a throne, then we must earn this right. And the English experience has taught me this kind of humility. Certainly the English experience is different from the Italian, because the cultures are different. In France too, however, there is a tendency to put oneself on a throne, just like here in Italy... could this be a specific Latin trait?

Our governments, at a certain point, asked us: “who are you?” and we replied: “I am beyond social definitions”! Instead we need the respect of the true social bond, beyond hatred. Hatred is basically symbiotic: but there must then be the moment of separation, in which one says “I'm alone and I must explain to others who I am; I am a separate subject”. Thus we analysts are divided from each other, divided from the state, and yet connected. I think that with the term “social bond” Lacan meant precisely this: separation while being connected.

In this experience at Rugby, each organization had to decide how to present itself. Since we had to mutually validate each other, four institutions were chosen by drawing lots to visit, monitor and observe what another institution was doing. Since we were a recently formed Lacanian center in England, the first in Great Britain, we were sure that we would be ostracized. The Tavistock was drawn out of the hat as our monitor, as well as two other very rigid organizations, and the Philadelphia Association. We were terrorized and thought they would never have accepted us. But the four monitors, after seeing our activities, said: “To be sincere we think you are a bit strange, but you have been convincing, and so we consider that you have every right to take part in the Conference; but we will have to find the minimum common denominator together”. In France they have also been faced with this castration: “we cannot privilege you, unless you earn it”. In the act of comparison and confrontation one can show the worth of one's own ethic: only in this way can one win the recognition of the Other.

Focchi: At present, one proposal in France consists of a collective representation of the psych-field (which includes psychologists, psychiatrists, psychotherapists and psychoanalysts) where each, starting from the modality of self-constitution of their own field, becomes an interlocutor on a par with the others. The other proposal-which has instead been accepted by a certain number of associations-involves a list deposited in the central police office, which gives the names of those analysts who are members of the associations enrolled and united under the name of “contact group”. But I believe that this is a case of an identification of psychoanalysis by means of exclusion...

Contri: ...and defining oneself by exclusion is the position of the psychotic... [laughter]

Focchi: Thus one should either put oneself outside this logic-and fall into complete anarchy-or accept the logic of recognition. What is our proposal then? That psychoanalysis take account of the social question, which should be identified and, above all, as Bice said, earned in the field. Psychoanalysis must interact with the subjectivity of its epoch. For example, today, does one find oneself dealing with a case of hysteria of the Charcotian type? We have been working for years on new symptoms, with subjects who do not have an already constituted demand for analysis. However, there are questions which are posed to us as “technicians of healing”. If we want to be purists of classical psychoanalysis, we should send almost all of our patients to a cognitivist. Instead we should interact with these new types of demands, which are no longer triggered off by the search for knowledge, as was the case in the seventies.

In the United States psychoanalysis is in the minority compared to the new forms of psychotherapy. If we define the analytical operation by means of the classical standard, we are bound to fail, because the standard defines a reality which is almost impractical in the context of modern life. The discussion of the standard originates in the fifties, when, with Alexander, it was a case of defining psychoanalysis compared to the emergent forms of brief psychotherapies that are based on and inspired by it. But we are now in another epoch-the extra-territoriality of psychoanalysis is finished-and we have to re-define our position, starting from the principles and not from the standard, making analysis workable within the society of our time.

Migone: I agree with Focchi when he says that the *setting* no longer identifies us, although we try to utilize it as a unifying element, as common ground, of the psychoanalytical movement. But this has happened because the other pole, the theoretical one, has become weakened and fragmented with respect to the technical one, and therefore everyone has clung to the technical pole (the setting) to find a sort of lost identity (and that is why psychoanalysis is identified with the couch and the four sessions a week, while psychotherapy does not use the couch, and other similar absurdities).

I would like to be the devil’s advocate concerning Contri’s intervention, by saying that the human activities which he listed are not homogeneous: some are professions, others are not. If psychoanalysis is a profession, one can pose the problem of its regulation. The other question is more basic: is analysis therapy or conversation? If a cure is caused by the conversation with the analyst, doesn’t this enter into the category of therapy? Not only this, but there is the risk of breaking the triad of meanings which Freud gave to psychoanalysis in 1922: *method of research, therapy and scientific discipline*. These three meanings were *simultaneously* present for Freud. When you converse with a person, it can happen that this action, *ipso facto*, has a curative effect. The Freudian *junktin*, the “very tight bond”, is a founding aspect of psychoanalysis: if we break it we go outside psychoanalysis and we become psychotherapists...

Another issue, that of ethics, curiously enough is very much underlined by the Lacanians: but if one values ethics, how can one undervalue the moment of the cure?

Paolo Tucci: What Contri said was very interesting and I would like our *praxis* to be fully recognized, by clarifying, as Focchi said, the logic of the psychoanalytical operation. I also agree with Bice Benvenuto’s idea that the social bond of psychoanalysis should not be made only among us, but that it implies a dialogue with the rest of society.

Every day we deal with suffering, which is the most quintessential social issue. This suffering is caused by not being able to think, by not being able to communicate, and by finding the road towards recognition by others blocked. It is certainly not a case of illness in a medical sense, but it is nevertheless suffering, and this gives us a base that reinforces the “social bond” which our practices symbolize. This double polarity

connects us, from one of its two poles, to the ethic of the medical doctor. Thus, if psychoanalysis aspires to a social dimension, this discussion among us is not only useful for ensuring the unity of the Scientific Community to which we belong, but also promotes that opening to the social which allows us to be recognized for our actual *praxis*. Our aspiration is for psychoanalysis to be recognized in its innate secularity and its autonomy from other practices, including medical practice.

What is particularly difficult for us is not so much being exposed to an excessive number of norms and regulations, but not having our identity recognized and having our vocation distorted. But the Legislative Power and thus also public opinion and the media do have a distorted image of psychoanalysis, also due to the image that we give them of ourselves.

I return to the difference between therapy and psychoanalysis not in order to “push us towards ideological and factious contrapositions”, but in order to make our *praxis* more transparent. We have to look for our difference in the logical, affective, operative implications. A first image of psychoanalysis: a type of knowledge which pre-exists the *praxis* in which it expresses itself and which is not substantially modified by it, as in the medical/scientific model of treatment of/struggle against a determined illness. A second image: a *praxis* in which access to knowledge is connected to practices of transformation of all the subjects involved. In the first case the relation will be prevalently dissymmetric and will involve the contraposition of a “subject supposed to know” and a subject/object who does not possess such knowledge. In the second case the relation will have a vocation of equal dignity and both the actors will be involved, although with different roles, in a process of transformation. When, in one of his texts, Migone speaks of analysis as essentially a “*profession of helping*” I do not understand which of the two possibilities he is referring to (I guess the second one).

We can imagine, for example, help in conditions of emergency, requested by the patient or his authoritative, and authoritarian, internal voices. Or, alternately, help in terms of testimony, reciprocity, and commitment to escape from commonplaces, according to which the analytic training consists in *leading the candidate to knowledge, to a doctrine and a technique*. This distinction should not seem so incomprehensible and could be linked to philosophy in the distinction between the more foundational orientations on the one hand and the phenomenological or hermeneutical orientations characterized by the possibility of knowledge, by thinking as *interest and opening*, and by the other.

Otherwise, following the tracks of Foucault’s seminars on the “cure of oneself”, *cure de soi*, we could imagine the diagnostic vocation of psychotherapy as characterized by the “Cartesian moment”, that is by the movement that led to philosophically retraining the “know thyself”, separating it from the “cure of oneself” which was devalued by this.

According to Foucault (from his 6 January 1982 seminar), the “Cartesian moment” definitively broke the balance that had originally existed between philosophy as a “*form of thought that interrogates itself regarding what permits the subject to have access to the truth*” and spirituality “*in other words the research, practice and experience by means of which the subject effects on himself the necessary transformations for having access to the truth*”. In this sense spirituality is in harmony with philosophy and consists in “*the sum of those researches, of those practices and of those experiences which can consist of the purifications, the ascetes, the modifications of the gaze (...) not so much for knowledge as much as for the subject*”.

Thus the close relationship between philosophy and spirituality means that “*the truth is conceded to the subject only on the condition that the very being of the subject is put at stake, because, such as he is, he is not capable of finding truth*”. Love and ascetics are the two forms by means of which, originally, the modalities of transformation of the subject were conceived. Instead, “*the entrance into the modern age (not modern or late-modern thought, but simply the entrance into the modern age) took place only on the day on which it was admitted that it is knowledge, and knowledge alone, that allows for access to the truth and for fixing the conditions for the subject to have access to it.*”

Then in the twentieth century-with Nietzsche, Freud, Heidegger, and Lacan-a sort of return to the origins took place, which was a reflection which threw doubt-to use Foucault’s metaphor-on the *Cartesian moment*. Following this, a different interpretation of Descartes was given. These references make the psychoanalytical perspective appear clearly distinct from the therapeutic one, if the first is referred to the one, and the second to the other of the epistemological orientations that I have outlined.

Why then is there this equivocation-contrast between what the majority of psychoanalysts wish to ask for

and the legislative proposals which put psychoanalysis on a par with psychotherapy? I wonder whether psychoanalysis does not betray, in this behavior which contradicts its declared intentions, its fear of what it itself aspires to; namely an ability to do without an epistemology of certainty, of foundation, as of a factor that has a substantiality which precedes thought and is independent of it. It is as if analysts were not able to abandon the presupposition according to which our knowledge takes place in non-historical forms and categories.

And so why is there this oscillation of our entire community between the need to proclaim the independence of our behavior and the difficulty of agreeing on its motivations? An agreement on the epistemological statute of our praxis is necessary, and instead the agreements that we make in more or less large groups mainly regard the external characteristics of our profession: the numbers and duration of the sessions, the use or non-use of the couch, and so on.

“The important thing is for us to accept the concept of change” says Migone. I agree with him, but if the change regards the knowing subject, then it presupposes the original, the casual, the discontinuity, otherwise what kind of change is it? The challenge consists in combining the state at which our training has arrived with an aspiration to overtake it.

But what kind of “thing” is the original? It mostly appears to us as a piece of evidence-but also a *possibility*-which imposes itself, certainly not as a mechanism of which it is possible to describe the historical cause or origin. As an example, Freud writes regarding the dream: “*Also in the best interpreted dreams it is often necessary to leave a point in the dark, because in the course of the interpretation one notes that in that point a tangle of dream thoughts starts which cannot be unraveled, but which has not even supplied other contributions to the content of the dream. This is therefore the navel of the dream, the point in which it sinks into the unknown*”. We are therefore dealing with a genuine beginning which is not translatable into words and which, instead, is rooted in the unknown and which stays in this unknown because it does not allow itself to be unraveled, nor does it supply contributions to the content of the dream.

This non-definability of the origin in rational terms returns in many concepts of Bion-the proto-mental or the *immature analyst*, or the *becoming O*. I would like to quote a fragment of the proclamation with which Lacan founded his *École* on the 21st of June 1964:

“It is my intention for this title to represent the organism in which a task must take place; for it to renew the cutting impact of its truth in the field opened by Freud; for it to take the original praxis, set up by him under the name of psychoanalysis, back to the responsibility which our world owes to him”.

I am led to think that, in speaking of *responsibility*, of *original praxis*, and of *the cutting impact of its truth*, once again Lacan calls us to bear witness to how much our praxis is founded on an origin that is instituted and takes its form not only based on objective reasons, but through a process of spiritualization, which is through an erotic and transcendent process: an origin which, as Focchi says, intends to seek the utopia of making the incurable emerge.

I therefore think that psychoanalysis is *art*, but without the production of works; *religion*, but without the production of any doctrine or practice; *science*, but without being able to come to an exhaustive definition of its object. It therefore regards all these activities without being rooted in any of them because it is the origin that constitutes its core of interest. In this sense my referring to group-analysis as a “formation” is in close contiguity to the *happening* character of the production of a form. This production is a non-conclusive process governed by interest, which is, to use an expression of Heidegger’s, “being between and within things, being in the middle of a thing and persevering with it”.

It is not my aspiration to be included as a psychotherapist in the Ossicini law. I would instead be pleased for the recognition of psychoanalysis-because recognition involves advantages for the clients and for the social aspect of our activity-to take place due to the authentic character of our profession. Even books are exempt from sales tax, although they do not have a therapeutic character.

Contardi: As regards Focchi’s discourse, Foucault underlines the question of change very much and says in particular, in his *Hermeneutics of the Subject*, that the teachings of Freud and Lacan were important precisely because they posed the theoretical question of the relation between the *subject* and *the truth*. Without this, Foucault says, psychoanalysis is psychologism. Then, as regards what Focchi said-which is the complex relation of the discourse between science and psychoanalysis-it is however necessary to recognize

that, in some way, psychoanalysis had its origin in science. Psychoanalysis is a rib of the scientific discourse.

Sergio Benvenuto: One can also see this from the name: psycho-*analysis*. *Analysis* is a science thing.

Contardi: But psychoanalysis-the rib of the scientific discourse-originated from that which the scientific discourse *discarded*, that which it cannot comprehend, because they are formations imbued with subjectivity. Dreams, slips of the tongue, missing actions and symptoms are rejected things that science cannot include within itself. We are thus bound by a double thread to scientific discourse, from which we cannot free ourselves.

In previous years psychoanalysis was successful even among psychiatrists because it was fashionable or because psychotherapies were so far behind that they were considered only lesser sisters of psychoanalysis, and pharmacological drugs were still poisonous, etc. The success of psychoanalysis, for a long period, was due also to these insufficiencies in other therapies. But this is the same reason why psychoanalysis is now no longer successful: because psychotherapies are shorter, because they reflect the ideology of our times to a greater degree, because pharmacological drugs are less poisonous and perhaps more efficacious than they were. But in this way we remain within the logic of the medical discourse. We should instead truly escape from the logic of the medical discourse and take an epistemological step in another direction. The point is that ours is only *one* experience, and we should take on the responsibility and be ready to confront and consider other experiences. The problem of the law leads on from the confusion with the medical discourse.

Bice Benvenuto: Today pills and psychotherapy go together, this is the new fashion.

Valeria La Via: In Italy, psychologists are under the jurisdiction of the Ministry of Justice; the doctors are under that of the Health Ministry. In Italy a “professional register of psychotherapists” does not exist, even though in effect one may speak of a European project for a professional register of psychotherapists as distinct from that of psychologists. At present a professional register of medical doctors and one of psychologists does exist; within each of these two professional registers, a *list* of psychotherapists exists. The prerequisite is that of having a degree in medicine or in psychology, and of having attended a school lasting four years recognized by the Ministry. On the occasion of a deed of indemnity, those psychotherapists who were able to demonstrate that they already had a definable profession, having received an appropriate training, were inserted into the list. The prospect that worries many psychologists is that psychotherapy may become an autonomous profession thanks to a European regulation.

Only in Italy and in Spain does a professional Order of Psychologists exist; the Order is a very particular institution also from the judicial point of view. For example it has a competence and jurisdiction which is based on criminal legislation as regards the sanctions and penalties that it can inflict. It is an administration in as much as it is regulated by administrative law, which means that it is a bureaucracy, with all the disadvantages that have often been underlined, also from a judicial perspective. It is also necessary to consider that the Order of Psychologists is a fairly recent institution (the first formation of the Professional Register was in 1990 and the Associations began to be set up around three years later) and it therefore does not have the tradition of administrative-bureaucratic competency that older Orders have. The question of psychoanalysis has been dealt with in this context and not starting from a “scientific” discussion, but under the heading of presumed *abuse of profession*, according to which the Order is obliged to make a statement when it comes to the knowledge of such practices. As a consequence, the question of psychoanalysis-should it be classified as psychotherapy and therefore require preliminary enrolment in a professional register and then in the list of psychotherapists-is mainly tackled in a judicial context, based on the documents produced by technical consultants.

I have brought here a sentence of the magistrature which acquitted a psychoanalyst without a degree or enrolment in the register who was put on trial for presumed unauthorized practice of the profession. It is not reported if the charge was made by the Order; in any case, if the Order finds out about these cases it proceeds, in its official capacity, to make a statement to the magistrature.

Sergio Benvenuto: Can the Order also be a plaintiff for damages as a civil party?

La Via: I believe not, because the Order probably does not defend a civil party's interests, unlike an association: it is an institution of public law. The Order proceeds directly if there is a violation of the norms regarding publicity or advertising; for example there is lawsuit underway with the Italian *Yellow Pages* for the insertion of the "psychoanalysis" category.

Contri: If I write "teacher" in the *Yellow Pages* as my profession, no one can legally complain. It is not the declaration of a profession which can be prosecuted, if it is not enrolled in a certain professional order.

La Via: We, who are enrolled in the Professional Register of psychologists or doctors, are subject to the norms concerning health advertising. I was however speaking of the sentence of acquittal of a psychoanalyst without a degree, who was not enrolled in any professional order, and was accused of unauthorized exercise of the profession of *psychologist*. The charge was therefore not for practicing the profession of psychotherapist.

In the end, the accused was acquitted because there was no misdemeanor, due to the fact that psychoanalysis was not seen as psychology. This was stated with a series of passages, some of which reported hearing of various witnesses, among them persons who went into analysis with him. Upon questioning, these persons replied that the analyst had not prescribed them any drugs or suggested behavioral techniques and that he had intervened only by asking a few questions and by asking the persons to make free associations.

A technical consultant of the defense is also mentioned, who claims to have been a psychoanalyst for twenty-five years, with a degree and enrolled in the register, and who affirms that psychoanalysis is a "practice of speech, in which there is a person who is called *analysand*, the analyzing one [he is evidently a Lacanian!], who speaks to another person, the psychoanalyst, with the objective of trying to understand, with the closest possible adherence to the truth, what he wishes to obtain from his own existence and of avoiding confusion between that which we want and that which is imposed in some way, either by means of identification with other persons, or by the urging of persons who have been particularly important for us etc. etc. Thus psychoanalysis does not have as its objective the elimination of the symptom, but the comprehension of the desire of the subject."

Therefore, according to this sentence, psychoanalysis is not psychology. It says: "The prevailing legislation provides for the Professional Register of psychologists, but not that of psychoanalysts. Article 1 of law 56/89, while not supplying a precise description of the profession of psychologist, states that for the profession of psychologist a degree in psychology is required and enrolment in the register". Nothing is instead officially required for the exercise of the profession of psychoanalyst and "one does not see, on the basis of the considerations presented above, how this can be identified with that of psychologist. Moreover, the confirmation of the existence of a fundamental divergence between the two professions is precisely the tone of the indictment, according to which the prosecution accuses X of practicing the profession of psychologist and not that of psychoanalyst".

Another passage states: "the differentiating element between the profession of psychologist and that of psychoanalyst is that, in the first case, the objective is curative, meaning the removal of the element of disturbance of the psyche conducted by means of the diagnosis and the prescriptions of forms of behavior on the therapist's part; while, as regards the second, psychoanalysis, the objective of the analyst is not to diagnose the illness and find the remedy, or to prescribe any form of behavior".

This is the truly problematic point also for those who, within the order, have always come to the defense of psychoanalysis, distinguishing it from psychotherapy, and that is the "passive support" given to the patient in his knowledge of himself. This notion, intellectualistic and somewhat philosophical, of psychoanalysis is the risk that one runs when one takes this path.

In a 1987 interview, Sergio Benvenuto asked Elvio Fachinelli about the dispute with the SPI (the Italian IPA), and it was exactly the same as that of today: the question which was improperly called "wild psychoanalysis". At that time, the editors of the weekly magazine *Panorama* called me because they wanted me to help them draw up the map of wild analysis in Italy!

Sergio Benvenuto: For Freud, the analysis done by untrained *psychiatrists* was wild...

La Via: And so the orthodox and the non-orthodox opposed each other, and the non-orthodox-the most spectacular ones were usually the Lacanians-said that on principle they did not even want to get degrees for becoming pure analysts. I myself was about to renounce getting my degree... fortunately reason then prevailed.

In this interview with Fachinelli, Sergio Benvenuto made to Fachinelli an observation that was widespread at the time, which was that orthodox analysts did not know how to treat cases with no indications for analysis: psychotics, children, etc. Fachinelli replied that the responsibility was that of the SPI institution, which generated “gray” analysts, because the SPI’s way of teaching repressed creativity: it was a problem of training.

Freud, with the term “wild analysis”, referred to medical doctors who had only a few superficial notions of psychoanalysis; we could also say that much psychotherapy is in reality wild psychoanalysis. In fact at university students receive only a smattering of psychoanalytical theories, as one can see from the texts that circulate in the faculties; in its form and content it is a sort of knowledge not unlike that of the wild analyst doctor that Freud spoke of. Freud’s problem was that of saving the good name of psychoanalysis: a problem that, it seems to me, is still absolutely relevant. In fact, what’s happened with the Ossicini law is that instead of psychotherapy being a case of psychoanalysis, psychoanalysis has become a case of psychotherapy. In this night in which all cats are gray I have seen them in all possible colors.

It is true that for a long time in the Order the word “psychoanalysis” was censured in the name of a bureaucratic criterion which prevailed over the scientific one: the legitimate word was only “psychotherapy”. It was even forbidden to use the word “psychoanalysis” on visiting cards, according to a decidedly restrictive interpretation of the norms regarding health advertising.

Migone: But can someone who is enrolled in a psychoanalytical society put the word “psychoanalyst” on his visiting card?

La Via: As regards health advertising, you can only put information relating to officially recognized qualifications, which means professional and academic qualifications with a legal value, in public contexts. The visiting card, if it is given to a certain person, is not advertising. Now the criteria are a lot wider, but at the beginning of the 1990s everyone was living in terror!

Migone: I would like to point out another danger of separating psychoanalysis and psychotherapy, which is the creation of two types of professionals, the psychologists and the psychotherapists, where the psychologists are not psychotherapists. This is an absurdity. In this way we create psychologists who have the right not to know anything about psychodynamics. I remember that Contri, in a public meeting some years ago, very clearly emphasized the risk of separating these discourses: psychoanalysis should include them all, by presenting itself as all-inclusive, as a totality.

Contri: A phrase of Freud’s that I fully agree with is: “I only know *two* sciences, physics and psychology”. And when he says psychology, he means psychoanalysis as delimited by another psychology, which he classified as “academic”.

Migone: And so the danger is that of dividing up the profession of the psychologist, causing it to lose the completeness and the complexity that give it meaning

Contardi: It seems to me that you, Contri, are saying that everything is psychology. Starting from this basis, also the relationship of two friends who meet to speak together would be a part of psychology. In my opinion, instead, the problem consists in the presumed techniques of psychology, and such techniques either are part of the medical discourse or it is necessary to prove that they exist as psychological techniques.

Tucci: A question for Contri: what meaning do you give to payment, within your discourse?

Contri: If we were not claustrophobic (this reminds me of the title of a book by Fachinelli), we would understand that psychoanalysis is agoraphobic, which means that psychoanalysis calls us to be public figures

(again Lacan: “The psychoanalyst makes himself the guardian of the collective reality”). And so we would not only not be paranoid towards the law that “invades” us, but we would conceive of ourselves as jurists by statute. So we would have to thank the gentleman from Savoy and our own Ossicini for having given us the chance to jump onto the bandwagon of legislation.

I am not accusing my colleagues of being clinically paranoid: but I am accusing this paranoid culture which also exists among us.

I will make another observation: the law does not give a damn about the reason according to which an individual gives money to another individual (apart from illicit cases which the law already provides for). Concerning the word “treatment”, I observe that the law is wise: we are the ones who project a Fascist prejudice onto the law. The law in no country of the world has ever wished of legislatively occupying the entire semantic and practical field of the word “treatment”: it has only decided to deal with that particular, or indeed *specific*, case of treatment that is called Medicine. It is true that psychoanalysis has always looked for a correlation with Modern Science and with Medicine, but without letting itself become confused with them. Therefore if we say that we treat, the law does not say “Ah, but you are not a doctor!” We could perfectly well write “giving treatment” on our headed notepaper.

Contardi: But the signifier that is used is *therapy*. The issue is *cure* or *therapy*. It is preferable to use the term *cure* which has relevance also in other discourses (philosophical, judicial, etc.) rather than the term *therapy* which belongs too clearly to the medical discourse.

Contri: It’s the same. The law has never even dealt with legislatively occupying the entire field of the word “therapy”... and even less with the word “health”.

But the State does not even recognize the word “love”, and therefore it does not need a judicial regulation of love. Freud proposed founding a treatment upon love, or a certain version of it (called “of transference”). A *captus*-mind would be necessary to try to regulate something like that.

In 1927 Freud triggered off a debate between his followers in the *International Journal of Psychoanalysis* regarding his book the *Question of Lay Analysis*, dedicated to our argument. And yet almost all of them were against Freud. Deep down they were already with Ossicini and Accoyer. It seems we have started off badly!

Focchi: But we risk defining psychoanalysis only in negative terms. Psychoanalysis does not give pharmacological drugs and it does not apply psychological techniques... What Contri says is right. But there is a trap in this French amendment we are discussing. A reasonable proposal of regulation is presented, but it is wired to a stick of dynamite, which is the Clery-Melin decree of actuation based on psychiatry, which completely subordinates psychotherapy to the psychiatric prescription. In the situation defined by the Ossicini law we Italians have a privilege with respect to this amendment, because at least we are not subject to medicalization. Sometimes there are complaints about the weakness of the position of psychologists compared to doctors in the public sector, and yet, from the point of view of the law we Italian non-doctors are in a much better situation than that which seems about to take place in France. Thus the distinction, proposed by Tucci, between our way of operating in the clinical field and that of medicine is important. Let us not forget that psychoanalysis, with Freud, originated in the shadow of medicine, but did not remain there.

Contri: Healing, health and therapy, like love, is a theme for everyone, but it is not a theme of the law.

Focchi: How does the WHO define the state of health? As a person’s having reached a state of full and total well-being. This is an exaggeration even as regards medicine, and it is clear that for us things are not so simple. To understand this better, let us take the case of the Obligatory Health Treatment, or “2 P.C.” (*Trattamento Sanitario Obbligatorio* – TSO) in the case of patients suffering from acute psychotic crisis, in which the rules do not completely cover the area of the necessary decisions, and in which problems of choices, and therefore of ethics are posed. In medicine, for example in the field of surgery, there is the possibility for a technique to be practiced on the patient without his consent: the TSO is possible. In the analytical field the TSO is not possible, one cannot produce a therapeutic effect without the subjective consensus of the person in treatment. While in medicine we have two fields, ethical and clinical, one outside

the other, in psychoanalysis we have two poles in relation to one another and, in psychoanalysis above all, there is no healing without subjective decision. In analysis one cannot treat a patient who does not want to be treated. We do not have a cause-effect correlation that can mechanically arrive at the result we had decided upon when we started.

There is thus a dimension connected to physicality, to the animal corporeality of the person, and there is also a dimension that escapes from nature, that is not a tributary of/ in debt to biological functioning. The person has a body, but we cannot reduce it to simply being a body.

Sergio Benvenuto: But this perspective-which distinguishes the sciences of the body and the sciences of the spirit-is somewhat out of date. It goes back at least to Descartes and his dualism between *res extensa* and *res cogitans* and was then taken up by Dilthey, when he distinguishes “sciences of nature” and “sciences of the spirit”. But does psychoanalysis really need Descartes in order to exist? Can we not conceive of psychoanalysis instead as a breaking away from Cartesian dualism? The theories of chaos and of complexity, for example, attempt to create a non-Cartesian science, in which this dualism no longer has a meaning.

Bice Benvenuto: What Focchi spoke about can be extended to psychotherapy in general and I therefore do not think that this defines/distinguishes us as psychoanalysts. Moreover, no one goes to a doctor or a psychotherapist with the certainty of being cured, but in order to undergo treatment: the discriminating factor is therefore not healing. In the forefront is suffering, in fact if there is not suffering in a subject we should not accept him in analysis. Contri said that we are like philosophers, but I do not agree, because those who come to us are driven by suffering and pain. A person who comes to us with a question *en souffrance* has probably already been to a doctor, to a psychologist, or a psychiatrist; his is a social question. It is more social than claustrophilic.

Contardi: But there is a specific difference between the medical discourse and the analytical discourse. I consider psychotherapy as subordinated to the medical discourse. The doctor and the psychotherapist tend towards re-establishing the *status quo ante*; psychoanalysis, instead, tends towards change. These are two completely different perspectives. In both cases we can speak of healing, but the idea of healing, in the analytical discourse, is actually opposed to that proposed by the medical-psychotherapeutic discourse.

Landoni: There is much imprecision in what has been said. I believe that psychoanalysis stands apart from the social relationship, but that it is not losing social prestige. It is instead necessary to consider the negative power which emanates from the IPA, even though it is an authority/power by now reduced to a sort of living cadaver like Ariosto's cavalier: it goes on fighting without knowing it is dead.

We have come to the paradox that putting the appellation of psychoanalyst on one's visiting card can even lead to penal consequences, and the appellation does not exist because there has been no defense, neither legal nor on principle, of the use of this term.

When we speak of the social bond of psychoanalysis, instead of replying to the question of who we are, we almost automatically reply by speaking of that which we do, and we thus slip into the complicated procedures of laws, regulations, insurance companies and so on.

We should instead reflect on the changes that the new social structure, the new pathologies, and the new modalities of access to analysis on the part of patients impose on our professional identity, but we must do it with an adequate epistemological awareness. We have the task of identifying ourselves, and not by exclusion.

Sergio Benvenuto: I agree with Contri when he says that these judicial proposals-such as those being put forward today in France-have, if nothing else, the merit of having led us back to discussing and re-defining our identity as psychoanalysts. What makes the debate between us so difficult is, in fact, that we do not share the definition of what we are. But we all agree, I believe, in saying that psychoanalysis is *not* a science. Why not? Because, beyond the various philosophical and epistemological theories, we have to accept the point of view of Thomas Kuhn when he said that a “normal” science is that explicative paradigm regarding which there is a certain *consensus* in a scientific community. Physics today is a science above all because, at least, all the members of the community of physicists share the validity of the relativity of Einstein and of

quantum mechanics. We could say that psychoanalysis is not a science simply because there is no consensus between analysts concerning what we call psychoanalysis, and this regards both analytic theory and practice. It must have happened to all of us to have received patients in analysis for the second or third time who talk about their previous analysis; and all of us have certainly heard some amazing things! Patients in analysis relate certain things, also regarding esteemed and famous colleagues, according to which the latter should immediately be expelled from any serious psychoanalytical society... Basically each single analyst interprets his own practice in a specific way. Precisely because there is not a consensus, and thus psychoanalysis is not a science, there is a conflict for the definition of its statute. It is a *conflict of interpretations*. Also here, among ourselves, we have seen at least two analysts, Migone and Contardi, give two absolutely opposite definitions of the relationship between psychoanalysis and science, and between psychoanalysis and psychotherapy. Which is the true psychoanalysis, Migone's or Contardi's? But does the question "which is the true psychoanalysis" really have any meaning?

Obviously, what makes the relationship and dialogue between analysts difficult is the fact that each of us is not only convinced that his own interpretation best expresses the essential characteristics /nature of his own practice-this is obvious-but also that his own interpretation of his own practice is also the parameter for judging the practice of others. For example, the analytical effects which a Kleinian interprets according to his own theoretical schemes-based on both good and bad breast, of projective identifications, of reparation, etc.-are interpreted by a Lacanian according to his own theoretical grid; and vice versa. This makes things much more complicated, because everyone claims the superiority of his own paradigm even while understanding what the others do, which is an attitude of superiority that these others are however not willing to allow him. Mutual discussion and comparison, as we have also seen in this round table, thus assume a philosophical and ethical dimension, because they bring interpretations of the very essence of psychoanalysis into conflict. But when we have to deal with external interlocutors-with the *agorà* or with the Authorities, whether it be the Political Palace (as Pasolini called it), the media or public opinion, that is with subjects who are not informed regarding our practice, and are not conversant with the different languages of the various schools-we should seriously pose the problem of telling these persons who we are and what we do in a way that is intelligible for them. The most simple and easy strategy is that of self-exclusion, with all the ambiguity that such a snobbish decision involves. One excludes oneself from public recognition by saying, "I am not to be a thing regulated by the Authority". Self-exclusion from any recognition can be a privilege-this was the strategy of the British Society in England of which Bice Benvenuto spoke, and, for a certain period, it was the strategy of the IPA in Italy: which is, "by excluding myself from all the practices similar to mine, I *ipso facto* relegate all my colleagues of the other practices to a sort of second class category". Self-exclusion is a political tactic for guaranteeing oneself a form of privilege; but it can also lead to a form of self-marginalization. For example, the Italian Parliament is now discussing how and whether to regulate the alternative medicines, such as acupuncture, homeopathy, Ayurveda, shiatsu, etc. It is to be noted that those who maintain the non-scientificity-the charlatanism-of these medicines are ranging themselves *against* their regulation: by regulating them, the state recognizes their validity and thus, implicitly, endorses them. In effect regulation has a double face: it establishes external restrictions, but at the same time protects and gives advantages. It therefore remains to be established whether the exclusion of psychoanalysis from psychotherapy is a winning or a losing strategy in the social scenario, and today, what counts in every social scenario is the market share.

Certainly, both being included among those who are recognized and being excluded is a risky game because in the end neither the State nor the Law decides. We have to remember, as good old Marx said, that the Law never proceeds alone: it is a form that can take on different contents according to the ratios of social forces within the legally regulated society. There are therefore three dimensions within our relationship with the other, considered as *agorà* or as Authority, which I consider incommensurable and which interact within our discourse, making it complex.

In one dimension we have *the law*, a formal structure of recognition of certain practices and of who is authorized to carry them out. But there is also the dimension of the *power relationships* in a society, which continually interact with the law. The third dimension, which is no less important, is what I would call the *cultural form of life*: the *Kultur*. Let us be honest with ourselves: if psychoanalysis today lives and survives, it's certainly not because it is regulated or not, but because it answers to a *spiritual request* in the broadest

sense, because what Foucault called the *care of the self* (*le souci de soi*) has affirmed itself in our culture. Everyone wants to care/cure oneself, his own soul. There is thus a social issue—which is actually still growing—consisting of people who want to discuss themselves with someone else and have some type of help, as Migone says, in relation to their own spiritual suffering. Psychoanalysis connects this care for oneself to the old Delphic prescription: “know thyself”. Freud basically said that knowing oneself is the best way for taking care of oneself (the “thyself” to be known was defined as the unconscious). All analysts, some more and some less, are the heirs of this “Greek” tradition. These three factors—*Law*, *Power* (the real power exercised by the insurance companies and other institutions which are able to pay reimbursements) and *Kultur*—are inextricable. Under the heading of *Kultur* I include the public opinion that is formed in the *media*, in the streets and in the markets. Disentangling these three factors is extremely complex, which is also the cause of the difficulty of our discussion here.

We all complain about the Ossicini law in as much as, paradoxically, it conditions us precisely to the degree in which it excludes us from the letter of the law. Why is that? For example, in the past there was talk of the invoices that some clients require. Being able to issue an invoice means at least potentially increasing the number of one’s clients, and for issuing an invoice one has to belong to a recognized Professional Register. In any case we cannot isolate the three aspects—the Culture of the *care for oneself*, the dispositions of authority, and the formal Law. The fact that some analytical associations are objectively stronger than others, such as the Tavistock in England, is a case of authority, because they have easy access to the larger *media*, to important publishers, they put their members in university tenures, etc.: this authority is not given to them by laws, but by their success in the network of social exchanges, and then there is the question of the formal law, *à la* Hans Kelsen. It is this complexity that I wish to point out.

In addition, everyone has observed that this question of judicial recognition cannot be separated from the epistemological question, from the clarification of *who we are*. In other words, we are not in agreement as to what this thing that the state wishes to recognize or not really *is*, and if we had a round table on how to define what we are, even in this case we all already know that we would not arrive at a definitive agreement among us, just as we have not arrived at a definitive agreement today. This is because the various schools are distinguished from each other in as much as they interpret analytical practice in different ways. But these debates of ours do not aim towards finding a political, negotiated agreement between us: instead they aim at clarifying the terms of a debate, and basically towards refining our arguments.

Diego Napolitani: Psychoanalysis occupies a marginal area among the social forms of knowledge and practices. It cannot fully belong to any codified field of our Western culture. It insinuates itself into a space that is “between”, at the borders of which positive science, philosophy, art-literature and religion are located with precise definitions.

Freud never abandoned his ambition of seeing psychoanalysis included as “scientific psychology” among the natural sciences, as they were postulated until some decades ago, as experimental forms of knowledge regarding objects, immune from subjective contaminations and those of the observer. Deterministic causalism dominates the psychoanalytical landscape and makes it refractory to the *scientific revolution* (Kuhn) that in recent years has reached complexity theory. Despite the many theoretical models, often incompatible, and the many operative techniques proposed over a hundred years by the psychoanalytical movement, psychoanalysis does not have validation criteria either of an experimental nature or for the prediction of the development of the phenomena it deals with. Although medical biology has greater scientific connections to psychology in general and to psychoanalysis in particular, its therapeutic practice, in its epistemological basis and in its factual procedures, does not have any point of contact with what happens in psychological or psychoanalytical treatments. The objective of biological therapy is that of eliminating the cause of suffering or limitations in the functioning of organs, together with the symptom, while psychoanalytical treatment has the objective of giving a meaning, a direction of a possible development, to an impediment of thought and of projects. *Pathology* means, in biology, the application of reasoning (*ratio*) to a presumably eliminable ailment; while in psychology the *ratio*, necessarily integrated with the non-*ratio* of empathy, takes *pathos* upon itself in its role as un-eliminable friction, with its own history and with the Other, of a soul that painfully screams its substantial need to express itself. However much this practice also avails itself of a methodological rigor, it cannot adopt protocols as in the exact

sciences.

The object of psychoanalysis is therefore not a ponderable, measurable, verifiable “thing”, nor is it a merely speculative construction. It supports itself on visions of the world, on more or less explicit philosophies, as diverse as the theoretical models to which the many forms of psychoanalysis refer, but it is not a philosophy, precisely because it aims at finding a truth in its mysterious object and not in the fabric of its theoretical constructions. Moreover, while the practice of the philosopher mostly coincides with a didactic profession, it is exactly this function that is explicitly banned by psychoanalysis, although it is abundantly practiced surreptitiously.

The added value of a psychoanalytic relationship is the aesthetic dimension, in which the truth coincides with the experience of beauty. This has been negatively underlined by defining the substantial form of resistance to the analytic process as the “anguish of beauty”. But psychoanalysis does not possess an ostensible product such as a painting, a symphony or a sculpture, because its product, created within a closed relationship, can be used only by its direct interlocutors and is dissolved within their existences.

Psychoanalysis conserves some strong connotations of religion: the intimate and confessional character of its practice; the faith of the analyst in the Word that its founder and originator handed down through the generations to him; the symmetrical faith of the patient in analysis (especially when she/he intends in turn to become a “treated one”) in the words of his curer of souls; the multiplication of “churches”, each one believing it is the most faithful interpreter of the Word and each distinguished from the others by its own ortho- or hetero-doxo; the oracular character of the interpretation considered as *the* interpretation *in opposition to* every other possible interpretation, and so on. All of this is sustained by a special ontology of guilt, although phantasmal, according to which psychoanalysis considers itself as a practice of reparation carried out with rituals which are mostly mortifying and efficaciously infantilizing. Bion had the merit of distinguishing the “mystical apex” of psychoanalysis from its “religious” customs, but it is his cardinal role rather than his fecund “mystical delirium” that is remembered. Although it has gradually become more casual in the last few decades, the priestly costume has remained with the analyst, and a genuine “*layen Psychoanalyse*” such as Freud hoped for is far from being achieved.

“I am an analyst in training”, said Bion when he was nearly eighty, and around the concept of training, so much in vogue in all areas of postmodern social life, the political aspect and the ethical specificity of psychoanalysis is delineated, which could give an autonomous consistency to that “BETWEEN” space, contiguous to the sciences, arts, philosophies and religions. But the cultural image of *therapy* is still so dominant today, that its potentiality in competing for the training of the citizen so that he can better deal with the confusing transformations of his environment (from that of the family to that of the planet) remains completely outside the discourse regarding psychoanalysis. Unlike therapeutic processes, whose policy exclusively regards resources or advantages in strictly economic terms, the processes of training derive from a need which is widespread in the collectivity (of which the individual is a single carrier) and they return to the *polis*.

Everyone-citizens as patients, family members and professionals-needs a regulation of the psycho-activities, but, however it is defined, it always turns out to be too short a blanket. The problem is that of the epistemological statute of a given discipline, and only secondarily that of the profession. All the social practices—from the priest to the whore, from the artisan to the technician with a diploma, from the poet to the politician—are based on a body of beliefs, of traditions, of visibility of their own confines so that they can be politically managed with a certain ease, while simultaneously considering the needs and the advantages of both those who work in that specific field and the collectivity. The psychiatric and psychological disciplines appeared in the tide of the Enlightenment that pervaded all of Western culture in the last two centuries, but without having its own *patron*-as Hillman says—who might authorize it in an autonomous way. They are based either in charitable and confessional practices, which were transformed by the Enlightenment into sociological visions, or in the quickly growing field of biology and of medicine. This heteronomy is conserved in the harlequin-like garb that enwraps them both, in which each colored patch refers to one’s own founding matrix, assumed to be “true” in opposition to the others.

I consider every debate on the regulation of our practices totally sterile: every specific group of professional operators is desperately attached to their own referent, in the belief that in this way they can confer purity and nobility upon a completely bastard ascendancy, and this implies their general rejection of every

regulation that tends to bring them together into one category. But would it be possible for a change in our epistemological statute to develop *autopoietically*, within a wide-ranging discussion and comparison which does not simply consist in a contest of force to see who pulls most of the blankets over to his own side of the bed? Is it possible to become the promoters of a forceful summons to the ethics of responsibility as a principle that leads to an examination of the different positions?

Here we must take into consideration the problem of responsibility in the moment in which it is sanctioned by a contract. There are manifestations of humankind (all those which Contri cites and many others) which enter into the exchange of words and of gestures without, obviously, anyone thinking of limiting their use with norms or regulations: but when these forms of behavior take place in an exchange linked to commitments of an economic nature, the *eco-nomy* indicates the need for a *nomos* that regulates these exchanges in the environment. For example, if my role as the author of an artistic or technological work is recognized by competent bodies, my claim to obtain an economic advantage is ensured by a “law of authorship” or by a patent. In this perspective all the professions are conducted within the context of contracts guaranteeing the recognition of specific skills that, when they are put onto the market, become economic practices.

The problem is therefore not that of exonerating our professions from recognition, patents or the like, but it is that of defining the peculiar characteristics of these processes. If we remain defined by that heteronomous foundation upon which the “therapeutic delusion” is constructed, we remain prisoners and “subjects”. I underline here the etymological value of this term, the “*sub-jectus*“, which contrary to its syntactic use, which indicates the agent of a choice, means “(s)he-who-is-subjected-to-something”. We are thus impregnated by the Judaic-Christian myths of the origins, to which we still tend to adhere, literally “subjected” to the myth of evil considered as guilt, and, tightrope-walkers of the Word as most of us are, we end up understanding it (the word) as a remedy against “evil”, as an instrument for defining the *aitia* (the cause of evil) and, at the same time, as the means of its unveiling which allows the sufferer to redeem himself...

Sergio Benvenuto: I point out that in ancient Greek, *aition* meant both cause and guilt...

Napolitani: The training of the analyst means first of all giving form to a theoretical and epistemological identity of our profession as a practice disengaged from the ideology of treatment in the medical sense, and therefore aiming to facilitate the *autopoiesis* of the mind of our interlocutor, and thus of ourselves, without forcing this mind into prescriptive evolutionary schemes.

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